

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:17-CV-48**

|   |   |  |
|---|---|--|
| <b>HELEN HOLLAND,</b>                                     | ) |  |
| <i>Individually, on behalf of herself and on behalf</i>   | ) |  |
| <i>of all other similarly-situated current and former</i> | ) |  |
| <i>employees,</i>   | ) |  |
|   | ) |  |
| <b>Plaintiff,</b>   | ) |  |
|   | ) |  |
| <b>v.</b>   | ) |  |
|   | ) |  |
| <b>FULENWIDER ENTERPRISES INC., a</b>                     | ) |  |
| <i>North Carolina Corporation, et al.,</i>                | ) |  |
|   | ) |  |
| <b>Defendants.</b>  | ) |  |
| <hr style="width:40%; margin-left:0;"/>                   | ) |  |

This matter is before the Court upon the parties’ Joint Motion to Amend Case Management Plan (Doc. 62), which requests that the remaining deadlines in the Pretrial Order and Case Management Plan be extended by 90 days. Id. at 1.

**I.     Background**

On February 15, 2017, Plaintiff filed this action against Defendants as a collective action under the Fair Labor Standards Act, 29 U.S.C. § 201 et seq., to recover unpaid overtime compensation for Plaintiff and other similarly-situated current and former employees. See Compl. (Doc. 1).

On April 24, 2017, Defendants filed their Answer (Doc. 10).

On June 2, 2017, the presiding District Judge, the Honorable Max O. Cogburn, Jr., entered an order denying without prejudice Plaintiff’s motion for FLSA Conditional Collective Action Certification and Notice and granting the parties leave to conduct limited discovery. See (Doc. 29).

On October 9, 2017, Plaintiff filed a Second Motion for FLSA Conditional Collective Action Certification and Notice (Doc. 32). Oral argument on the Motion was held on January 4, 2018 and the Motion was granted on February 2, 2018. (Doc. 38).

A Joint Motion to Approve Collective Action Notice was also subsequently filed and allowed. (Doc. 42, 43).

On April 6, 2018, the parties filed a Joint Certification and Report of Fed. R. Civ. P. 26(f) Conference and Proposed Discovery Plan (Doc. 55).

On April 13, 2018, United States Magistrate Judge Dennis Howell entered a Pretrial Order and Case Management Plan (Doc. 56), which imposed the following deadlines:

|                       |  |
|-----------------------|--|
| Expert Reports:       | July 1, 2018 (Plaintiff)                                   |
|                       | August 1, 2018 (Defendants)                                |
| Discovery Completion: | December 1, 2018   |
| Mediation:            | December 15, 2018  |
| Motions               | January 1, 2019  |
| Ready for trial:      | 1 <sup>st</sup> session beginning on or after June 3, 2019 |

## **II. Discussion**

In the instant Joint Motion to Amend Case Management Plan (Doc. 62), the parties request that the remaining deadlines in the Pretrial Order be extended by 90 days as follows:

|                       |   |
|-----------------------|---|
| Discovery deadline:   | March 1, 2019   |
| Mediation deadline:   | March 15, 2019  |
| Motions deadline:     | April 1, 2019   |
| Ready for trial date: | 1 <sup>st</sup> session beginning on or after September 2, 2019 |

(Doc. 62) at 1.

Though allowing the requested extensions will result in trial taking place significantly more than two (2) years after the filing of Defendants' Answer, this timeframe appears justified given the circumstances of this individual case, including but not limited to the need to address certification and notice issues.

### **III. Conclusion**

The parties' Joint Motion to Amend Case Management Plan (Doc. 62) is hereby **GRANTED**, and the dates set forth in the Court's Pretrial Order and Case Management Plan are **AMENDED** as follows:

- (1) Discovery deadline: March 1, 2019;
- (2) Mediation deadline: March 15, 2019;
- (3) Motions deadline: April 1, 2019; and
- (4) Ready for trial date: October 7, 2019 session.

Signed: November 27, 2018



W. Carleton Metcalf  
United States Magistrate Judge

